

SUPREME COURT OF WISCONSIN  
OFFICE OF LAWYER REGULATION

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Public Reprimand With Consent

2006-OLR-2

Frederick J. Voss,  
Attorney at Law

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In February 2002, Attorney Frederick J. Voss of Rhinelander was appointed to represent a man in several criminal matters pending against him. Among the charges pending against the client in Marathon County on March 23, 2002 were counts of conspiracy to commit first degree intentional homicide. The client's alleged victim was a woman with whom the client had a prior personal relationship, B.W. In connection with the conspiracy to commit homicide charges then pending against the client, the circuit court had entered an "Order for No Contact Provision," in which the client was ordered to have no contact with six named persons, including B.W. and a man, J.O.

On March 23, 2002, Attorney Voss arranged for his incarcerated client to meet with B.W. and J.O., both of whom were also incarcerated on that date, in a visiting room at the Marathon County Jail. Attorney Voss did not inform the jailer of the no-contact order. Although Attorney Voss states he did not read the no-contact order closely enough to recall those who were subject to it, the Seventh Circuit Court of Appeals in a related case opinion and the District 16 Committee assigned to investigate this matter, both concluded that Attorney Voss knew there

was a court order prohibiting the client from contacting several persons, including B.W. and J.O. The order stated, in part, “This includes no direct physical or indirect contact by telephone, writing of any kind, and includes no contact with the above-named persons through other persons, including any third party contact.” The order also indicated that violations were punishable by criminal contempt and revocation of jail privileges. The order remained in effect on March 23, 2002.

The District Committee determined that neither B.W. nor J.O. informed the jailer of the no-contact order before or during the contact with the client, nor did they object to the contact while it occurred. The District Committee also determined there was insufficient evidence to conclude that Attorney Voss arranged the client’s contact with B.W. and J.O. for the purpose of causing them to change their anticipated testimony against the client.

By arranging for his client to meet with B.W. and J.O. in violation of the no-contact order issued by the Marathon County Circuit Court, Attorney Voss violated SCR 20:1.2(d), which states in part, “A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent . . .” By failing to disclose to jail personnel the material fact of the existence of the no-contact order, when disclosure was necessary to avoid assisting his client in a criminal act (the violation of the no-contact order), Attorney Voss violated SCR 20:4.1(b), which states, “In the course of representing a client a lawyer shall not knowingly fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client . . .”

Attorney Voss has no prior discipline.

In accordance with SCR 22.09(3), Attorney Frederick J. Voss is hereby publicly reprimanded.

Dated this 4th day of February, 2006.

SUPREME COURT OF WISCONSIN

/s/ Curry First  
Curry First, Referee